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October 10, 2023

Via ECF Electronic Filing

Hon. Renee M. Bumb, U.S.D.J.
Mitchell H. Cohen Building and U.S. Courthouse
4th & Cooper Streets
Courtroom 3D
Camden, NJ 08101

Re: Corey D. Marable v. Oaks Integrated Care, Inc.
Docket No.: 1:22-cv-06168-CPO-EAP
Our File No.: 04390-33763

Dear Judge Bumb,

This office represents Defendant Oaks Integrated Care, Inc. (“Oaks”) in the above-referenced matter, and I write in support of Oaks’ Amended Motion to Dismiss the Complaints filed by Plaintiff Corey Marable. Plaintiff’s opposition to the motion was due on October 2, 2023, but no response has been filed. Pursuant to L. R. Civ. P. 7.1(d)(4), Oaks submits this correspondence outlining why a reply brief is unnecessary at this time. However, should Plaintiff later file an out-of-time response to Oaks’ Amended Motion to Dismiss which is accepted by the Court, Oaks reserves the right to file a reply at that time.

Plaintiff’s lack of response is the latest example of Mr. Marable’s consistent pattern of dilatoriness regarding deadlines for filings in this Court. As set forth in footnote four of Oaks’ brief in support of the Amended Motion to Dismiss, Plaintiff filed his original Complaint beyond the deadline imposed in the EEOC’s right-to-sue letter. Next, Oaks filed a motion to dismiss on January 13, 2023, and Plaintiff’s response to that motion would have been due on February 7, 2023. However, the only response Plaintiff provided to that motion was not sent to Oaks until April 12, 2023, and that was never actually filed with this court. Finally, the Court issued an Order to Show cause to Plaintiff on June 26, 2023, for which a response was due on July 17, 2023. Plaintiff did not file any response until two weeks later. The failure to file any opposition to Oaks’ Amended Motion to Dismiss represents the fourth missed deadline by Plaintiff, and the case has not yet proceeded beyond the pleadings.

As set forth in Oaks’ Amended Motion to Dismiss, Plaintiff has not complied with the applicable statute of limitations and for that reason the matter must be dismissed with prejudice. Further, Plaintiff has failed to establish a prima facie case under either Title VII, the Fair Labor Standards Act, or N.J.S.A.

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2A:38A-3. Oaks' Amended Motion to Dismiss is unopposed, and the matter should be dismissed for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

Thank you for the Court's consideration.

Respectfully submitted,

CAPEHART & SCATCHARD, P.A.

/s/ Geoffrey N. Stark

Geoffrey N. Stark, Esq.

cc: Corey Marable, pro se (via regular and certified mail)